

REMARKS

Applicants respectfully request consideration of the foregoing amendments and the following comments upon continued examination of the present application on merits.

I. Status of the Claims

Claim 18 was previously cancelled. Claims 12, 19, 21, and 38-57 are cancelled without prejudice or disclaimer thereof. Applicants reserve the right to pursue the subject matter of any cancelled claim in the present application or in one or more continuing applications.

Claims 1 and 37 have been amended with exemplary support in the original specification, *e.g.*, at page 17, paragraph [0062]; at page 24, paragraph [0087]; at page 32, paragraphs [0120] and [0121]; and at page 36, paragraph [0150]. Claims 13 and 14 have been amended for greater clarity. Claims 20, 23, 24, 28, and 29 have been amended to correct dependency.

Because no new matter is introduced, Applicants respectfully request entry of this amendment. Upon entry, claims 1-11, 13-17, 20, and 22-37 will be pending, with claims 27 and 31-36 withdrawn from consideration.

II. Rejection of Claims under 35 U.S.C. §103(a)

Claims 1-17, 19-26, 28-30 and 37-57 are rejected under 35 U.S.C. §103(a) for allegedly being obvious over U.S. Patent No. 6,287,596 to Murakami et al. ("Murakami"). Claims 12, 19, 21, and 38-57 are cancelled, thereby rendering the rejection moot. Applicants respectfully traverse the rejection of the remaining claims.

Murakami discloses quickly disintegratable compression-molded materials obtained by including a filler and erythritol in a specific ratio. *See* the abstract, column 4, lines 18-20, and column 5, lines 32-53.

Murakami fails to teach or suggest the claimed invention because Murakami does not meet the claim limitations: (i) a composition in the form of a lyophilized wafer; (ii) an active agent having an effective average particle size of less than 2 microns; (iii) a surface stabilizer adsorbed on the surface of the active agent particles; and (iv) the friability, the reconstitution profile, and the disintegration profile of the claimed dosage form.

Accordingly, the rejection of claims over Murakami should be withdrawn.

CONCLUSION

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By

Michele M. Simkin

FOLEY & LARDNER LLP
Customer Number: 31049
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicant
Registration No. 34,717